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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/658,194	09/10/2003	Yi Zhang	Q77452	3235
23373 7	590 03/27/2006		EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MELLER, MICHAEL V	
			ART UNIT	PAPER NUMBER
			1655	
			DATE MAILED: 03/27/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
' Office Action Summary		10/658,194	ZHANG ET AL.				
		Examiner	Art Unit				
		Michael V. Meller	1655				
Period fo	 The MAILING DATE of this communication ap or Reply 	pears on the cover sheet with the c	orrespondence address				
WHIC - Exter after - If NO - Failu Any	ORTENED STATUTORY PERIOD FOR REPLECTION OF THE MAILING DESIGNS of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. It period for reply is specified above, the maximum statutory period are to reply within the set or extended period for reply will, by statutively received by the Office later than three months after the mailing date of the mailing date of this communication.	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from the, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status							
1)	Responsive to communication(s) filed on	•					
2a)□	•	s action is non-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)🖂	4) Claim(s) 1-22 and 25 is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)	5) Claim(s) is/are allowed.						
6)□)☐ Claim(s) is/are rejected.						
7)	Claim(s) is/are objected to.						
8)⊠	8) Claim(s) 1-22, 25 are subject to restriction and/or election requirement.						
Applicati	on Papers						
9)	The specification is objected to by the Examin	er.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority u	ınder 35 U.S.C. § 119						
a)[Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority documen application from the International Bureasee the attached detailed Office action for a list	ts have been received. ts have been received in Application or the comments have been received in the comments have been received in the comments have been received in the comments in the comments have been received in the comments in the comments have been received in the comments in the comments have been received in the comments	on No ed in this National Stage				
2) Notice	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	·				

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-13, 25, drawn to a method of treating anorectal conditions, classified in class 435, subclass various.
- II. Claims 14-22, drawn to a composition, classified in class 514, subclass various.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the composition as claimed can be used in a materially distinct process such as treating cancer.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species of the claimed invention: the many different anorectal conditions, symptoms, additional extracts, solvents (if needed). Applicant is required to pick one of each of these for examination.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 13, 14, 22 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Meller whose telephone number is 571-272-0967. The examiner can normally be reached on Monday thru Thursday: 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael V. Meller Primary Examiner Art Unit 1655

MVM